

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By **CHAIRMAN STANLEY (STAN) FISHER**, on January 23, 2003 at 8:00 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Stanley (Stan) Fisher, Chairman (R)
Sen. Corey Stapleton, Vice Chairman (R)
Sen. Keith Bales (R)
Rep. Tim Callahan (D)
Rep. Carol C. Juneau (D)
Sen. Trudi Schmidt (D)

Members Excused: Rep. Dave Lewis (R)

Members Absent: None.

Staff Present: Marian Collins, Committee Secretary
Brent Doig, OBPP
Lorene Thorson, Legislative Branch

Please Note:

Audio-only Committees: These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp for these minutes appears at the beginning of the content it refers to.

Committee Business Summary:

Hearing & Date Posted: None
Executive Action: Department of Corrections Budget

EXECUTIVE ACTION ON DEPARTMENT OF CORRECTIONS BUDGET

Motion/Vote: SEN. STAPLETON moved to ADOPT THE FISCAL 2002 BASE FOR ALL FUNDING, EXCEPT FOR GENERAL FUND, AND STATEWIDE PRESENT LAW ADJUSTMENTS AS REQUESTED FOR ALL FUNDS. Motion carried 7-0 by voice vote.

{Tape: 1; Side: A; Approx. Time Counter: 1.0 - 13.7}

Bill Slaughter, Director, Department of Corrections (DOC), thanked this committee for a good hearing. The Department realizes the difficult situation in which this legislature finds itself; many needs, few resources and fewer choices. Correction facilities are full.

Mr. Slaughter mentioned a Legislative Audit Division report which provides proof that Montana's state-run juvenile facilities are low-cost alternatives and high-quality providers of education with therapeutic components. Fifty-five percent of juvenile corrections' budget is dedicated to community programs. Only 45% is directed to secure custody facilities. Juvenile corrections has always met their budget or come in below budget.

The DUI treatment unit in Warm Springs offers a 180-day intensive treatment program rather than the 13-month program in prison. The Department has reduced the top-level management team, consolidated and eliminated bureaus, and centralized other key functions. This resulted in over a dozen layoffs and ten unfilled positions.

The Department of Corrections receives 34 more people monthly into the system than are released from the system. If the Governor's executive budget is adopted, some of the things the Department would face are: 1) the caseload on probation and parole will increase almost 700 from FY 2002 levels with no additional FTE requested, 2) the entire Department must contend with 4% vacancy savings in secure custody facilities, 3) Montana State Prison would be about 60 correctional staff short, 4) the Missoula Assessment and Sanction Center (MASC) program in Missoula must be successful and divert DOC commitments to prison to cut down the number of revocations that return to prison, 5) the DUI program must maintain high success rate in order to keep offenders from being revoked back to prison thus causing the numbers to go back up. The Crossroads Correctional Center in Shelby needs to remain a viable operation in Montana.

Mr. Slaughter said that staff must be kept motivated.

If the Department adopts the 2000 budget, there will be 26 fewer probation officers and staff available to supervise the anticipated increase in caseload of over 700 in the next two years. Thirty-one fewer correctional staff would be on shift at Montana State Prison, bringing the correctional staff shortage at the prison to 91. The new building additions at Pine Hills and Montana Women's Prison would have no staff to operate them. There would be no DUI unit, no Helena Pre-release center, no prison facility in Shelby, resulting in over 400 offenders with no place to be confined. The Department would not be in compliance with ACLU and the Department of Justice and would not be able to meet statutory mandates, therefore not able to meet its mission. Staff and public safety would be put at a dangerous level of risk.

CHAIRMAN FISHER listed figures from the 2001 Legislative Session concerning what was given to each department. Health and Human Services was increased over the prior year biennium by \$442 million. Education was increased over the prior biennium by \$102 million, General Government and Transportation was increased by \$163 million, Corrections and Public Safety was increased by \$44 million. **CHAIRMAN FISHER** stated that he mentioned these figures to nullify any concerns that this committee might have been too generous to Corrections in the past. The last time that Correction came before this committee, they were cut back severely from where they had come in, even after the Governor's budget. **CHAIRMAN FISHER** suggested the committee approach the budget either program-by-program and make adjustments felt necessary, or a motion can be made that "X" number of dollars be added back, and let the Department make the necessary adjustments within their own system.

SEN. SCHMIDT commented that this committee's overall philosophy needs to be the protection of the citizens of the State of Montana. That needs to be the underlying objective in whatever this committee does.

REP. CALLAHAN asked if **CHAIRMAN FISHER** had a dollar figure in mind. **CHAIRMAN FISHER** stated that he did, but he would prefer that he's the last "pickle on the dish..."

SEN. BALES asked if this committee doesn't have to look at the decision packages one by one. **CHAIRMAN FISHER** stated that his understanding is that the committee can make a global motion and let the Department take the cuts wherever they determine most appropriate.

{Tape: 1; Side: A; Approx. Time Counter: 18.6 - 23.4}

Motion: REP. CALLAHAN moved to ADOPT THE EXECUTIVE BUDGET FOR 2005 BIENNIUM FOR THE DEPARTMENT EXCEPT THE REDUCTION IN DP 7001 (CONTINUE REDUCTION IN JUVENILE PLACEMENT DISBURSEMENT) AND THAT REDUCTION IS TO BE TAKEN ELSEWHERE WITHIN THE DEPARTMENT.

Discussion:

REP. JUNEAU asked about the bill making its way through the legislature for Crossroads Correctional Center to bring in out-of-state prisoners. She asked if that will have an impact on the contract beds budget request. CHAIRMAN FISHER stated that cost would be borne by the state that brings them here. That will in turn make the prison in Shelby more profitable, and they will be able to reduce the cost-per-day of all units.

REP. JUNEAU stated that she felt the Department of Corrections has done a good job with the conditional release of non-violent offenders, and hopes that program will continue. Mr. Slaughter responded that the MASC program in Missoula will take individuals coming out of county jails and assess them for needs such as chemical dependency counseling. They will then be placed into community options or sent to prison. REP. JUNEAU asked that when the Department of Corrections begins to look at their budget priorities, programming for inmates in Crossroads, regional prisons, and the women's prison be looked at to ensure that there are adequate resources and support for those people. She stated that Montana State Prison seems to be capable of providing lots of activities, training and support for the rehabilitation of the prisoners but our other facilities are weak on that. Parenting classes for both men and women, the GED, vocational training, and the CDL would be good programs to have available at the other sites.

SEN. BALES praised the work of the Department of Corrections, but felt at this point the legislature cannot provide a \$31 million increase. He also stated that their budget should be higher than the 2000 base budget.

{Tape: 1; Side: B; Approx. Time Counter: 2 - 3.5}

Vote: Motion carried 4-3 with SEN. STAPLETON, SEN. BALES AND REP. LEWIS voting no by roll call vote.

Motion/Vote: REP. CALLAHAN moved to INCLUDE THE FOLLOWING LANGUAGE IN HB 2: "ITEM [MONTANA CORRECTIONAL ENTERPRISES] CONTAINS A REDUCTION OF \$2,995,008 IN FISCAL YEAR 2004 AND \$580,228 IN FISCAL YEAR 2005 OF GENERAL FUND MONEY. THESE REDUCTIONS ARE CONTINGENT ON PASSAGE AND APPROVAL OF SENATE BILL NO. 118." Motion carried 7-0 by roll call vote.

Ms. Thorson explained that what this language would do is to put money back into the budget if SB 118 doesn't pass. With the global motion, this committee has taken \$3.5 million out, assuming that there will not be a re-issue of license plates. If that bill doesn't pass, the Department would need \$3.5 million to do the re-issue for 2004.

SEN. SCHMIDT asked about the Department's issue of non-compliance. **Mr. Slaughter** responded that the Department had 18 issues of non-compliance with the Department of Justice and the ACLU. Seventeen of those issues are now in compliance. The area where the Department is still deficient is a time lapse between when an inmate requests medical attention and when that attention takes place. The Department has made this a priority and feels it will be in compliance at the next visit.

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ADJOURNMENT

Adjournment: 8:45 A.M.

REP. STANLEY (STAN) FISHER, Chairman

MARIAN COLLINS, Secretary

SF/MC

EXHIBIT (jch14aad)